

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JANE DOE, a minor, through
her parents and legal guardians,
JANE ROE and JOHN ROE,

Plaintiff,

v.

JOHN SMITH, a minor, by and
through his parent(s) and legal
guardian(s), JOE SMITH. and JANE
SMITH,

Defendant.

Case No. 2:24-cv-00634-ES-JBC

**NOTICE OF MOTION TO COMPEL
DISCOVERY AND DEPOSITIONS**

Pursuant to Paragraph 6.B. of the Court's November 6, 2024 Order [Doc. 67] and *Federal Rule of Civil Procedure 37* and *Local Rule 37.1* Plaintiff, Jane Doe, by and through her parents and legal guardians, Jane Roe and John Roe, respectfully moves for the entry of an Order:

1. Determining whether Non-Parties, M.A., K.W., T.B., R.S., W.M., and F.P., are entitled to claim the protection of the Fifth Amendment;
2. Determining whether Defendant, John Smith, and Non-Parties, M.A., K.W., T.B., R.S., W.M., and F.P., waived any rights to refuse to testify under the Fifth Amendment;
3. Upon determining that any of the Non-Parties are not protected by the Fifth Amendment or that Defendant and/or any of the Non-Parties waived any rights under the Fifth Amendment, compelling them to testify;
4. Determining whether the invocation of the Fifth Amendment by

Defendant, John Smith, and/or Non-Parties, M.A., K.W., T.B., R.S., W.M., and F.P., is overcome by the foregone conclusion exception; and

5. Upon determining that the Fifth Amendment is overcome by the foregone conclusion exception, compelling Defendant, John Smith, and/or Non-Parties, M.A., K.W., T.B., R.S., W.M., and F.P., to produce documents, materials, and electronically stored information sought by Jane Doe.

PLEASE TAKE NOTICE that Jane Doe shall rely on the following evidence filed in support of this Motion:

1. Subpoenas for the depositions of Non-Parties, M.A., K.W., T.B., R.S., W.M., and F.P. [**CONFIDENTIAL COMPOSITE EXHIBIT 1**];
2. Deposition of M.A. (March 13, 2024) [**CONFIDENTIAL EXHIBIT 2**]
3. Deposition of K.W. (March 13, 2024) [**CONFIDENTIAL EXHIBIT 3**]
4. Deposition of T.B. (March 7, 2024) [**CONFIDENTIAL EXHIBIT 4**]
5. Deposition of R.S. (March 12, 2024) [**CONFIDENTIAL EXHIBIT 5**]
6. Deposition of W.M. (March 11, 2024) [**CONFIDENTIAL EXHIBIT 6**]
7. Deposition of F.P. (March 14, 2024) [**CONFIDENTIAL EXHIBIT 7**]

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's Order dated November 6, 2024 [Doc. 67], Responses in Opposition to this Motion are due **December 23, 2024**.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's Order dated November 6, 2024 [Doc. 67], this Motion will be called up for hearing before The Honorable Esther Salas, United States District Judge, District of New Jersey, on **January 6, 2025**.

Dated this 13th day of December, 2024.

Respectfully submitted,

/s/ John Gulyas

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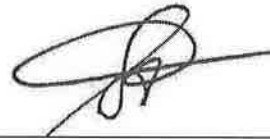
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Attorneys for Plaintiff (Pro Hac Vice)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 13, 2024, the foregoing document was filed with the Court's CM/ECF system, which will send electronic notice to all counsel of record.

/s/ John Gulyas

Attorney